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RESOLUTION NO. 04-190

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **STORM WATER DRAIN NO. 225, (NORTH OF 21ST, WEST OF GREENWICH) 468-83775**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **STORM WATER DRAIN NO. 225, (NORTH OF 21ST, WEST OF GREENWICH) 468-83775**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-071** adopted on February 10, 2004, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve **Storm Water Drain No. 225, (north of 21st, west of Greenwich) 468-83775**.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Four Hundred Twenty-seven Thousand Dollars (\$427,000)**, with **Three Hundred Seventy-seven Thousand Dollars (\$377,000)** payable by the improvement district and **Fifty Thousand Dollars (\$50,000)** payable by the City of Wichita from Storm Water Utility.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

REGENCY LAKES COMMERCIAL 2ND

Lots 1 thru 11, Block 1

UNPLATTED TRACT 'A'

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTHEAST QUARTER, SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS; TOGETHER WITH THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That said Lots 1 thru 10, Block 1, Regency Lakes Commercial 2nd Addition, shall each

pay 13,680/377,000 of the total cost, and Lot 11, Block 1, Regency Lakes Commercial 2nd shall pay 205,200/377,000 of the total cost payable by the improvement district; and that Unplatted Tract 'A' shall pay 35,000/377,000 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, April 20, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SCHOFIELD, CITY CLERK

(SEAL)